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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,146	01/09/2004	Thomas J. Devine		7479

7590 03/10/2005
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EXAMINER	
MCKANE, ELIZABETH L	
ART UNIT	PAPER NUMBER
1744	

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/754,146

Applicant(s)

DEVINE ET AL.

Examiner

Leigh McKane

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8 and 12-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8 and 12-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. The indicated allowability of claims is withdrawn in view of the newly discovered reference(s) to Kami. Rejections based on the newly cited reference(s) follow.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Specifically claims 1 and 8 require the utilizing the exhaust heat of the petroleum fuel engine to dry the waste material during the steps of grinding, grating, macerating, spraying, immersing and conveying. However, the specification teaches only using the exhaust heat to dry the waste while it is within the enclosed conveyor system. See page 19, last three lines. Note that these line state the drying is accomplished within “the enclosed conveyor system.

Alternatively, the exhaust of the diesel driven generator may be connected with the enclosed system to facilitate drying.” One of ordinary skill in the art would understand the “enclosed sytem” to mean only the enclosed conveyor system. Furthermore, on page 22 of the specification (last four lines), it is disclosed that the “particles are dried as they reach the discharge end of the inclined screw conveyor.” Again, it is disclosed that “the exhaust of the diesel driven generator may be connected with the enclosed system to facilitate drying.”

Nowhere, does the specification lead one to employ the exhaust in any place except the inclined screw conveyor, as this is where drying of the waste occurs.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1 and 8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Specifically claims 1 and 8 are rejected for the reasons set forth in the paragraphs *supra*.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 8, 12-15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Devine et al (U.S. Patent No. 5,720,438) in view of Pearson (U.S. Patent No. 4,884,756) and Kami (U.S. Patent No. 5,698,095).

Devine et al teaches a method and apparatus for processing and chemically disinfecting

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infectious waste material identical to the claimed invention except that Devine et al employs two separate grinding steps **28,43** to achieve the necessary size reduction of the waste and does not spray the waste during the grinding steps.

Pearson et al, however, teaches that it was known in the art at the time of the invention to grind infectious waste in a preliminary grinding step using a single disintegrator **17** to achieve the necessary size reduction and to spray the waste at several points **29, 31, 33, 35** during the grinding. See col.2, lines 15-20. As smaller pieces present more surface area for disinfection, it would have been obvious to construct the grinder **28** of Devine et al in a manner such that it was capable of achieving the necessary size reduction on its own. This step would have made the holding step of **34** more efficient and would have eliminated the necessity of a second grinder and conveyor **45**.

Drying of the waste in Devine et al is achieved by using the hot air generated by the heated grinding plate **29**, which acts as a heater.

Devine et al discloses that a pair of diesel driven generators **19** provide the electrical power necessary to operate the system but does not teach using the exhaust from the generators to heat the waste.

Kami teaches a method for treating waste wherein heat from the exhaust gas from petroleum engines is used to dry the waste. See col.1, lines 9-14; col.2, lines 61-62. As using the heat from the engine exhaust is an efficient and cost-effective way of drying the waste, it would have been obvious to do the same in the method and apparatus of Devine et al.

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7. Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Devine et al, Pearson, and Kami as applied to claims 1 and 8 above, and further in view of Buehler et al (U.S. Patent No. 5,364,589).

Devine et al teaches that the outlet of conveyor 50 can discharge to a compactor (col.7, lines 3-7). Moreover, Buehler et al discloses a method and apparatus for sterilizing infectious waste wherein the apparatus discharges to a compactor 18. As a compactor provides volume reduction of the waste, it would have been obvious in the invention of Devine et al.

Conclusion

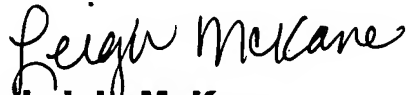
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lewis et al (U.S. Patent No. 5,941,468) teaches a waste treatment method and apparatus wherein waste is dried within a screw conveyor. See col.2, lines 45-48.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leigh McKane whose telephone number is 571-272-1275. The examiner can normally be reached on Monday-Wednesday (6:30 am-4:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on 571-272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Leigh McKane
Primary Examiner
Art Unit 1744

elm
7 March 2005